

**REMARKS**

Claims 1 and 3-15 are all the claims pending in the present application, claim 2 having been canceled as indicated herein.

As a preliminary matter, the specification is objected to based on the reasons set forth on pages 2-3 of the Office Action. Applicants amend the specification as indicated herein and believe that the Examiner's specification objection is obviated.

The claims are objected to based on the reasons set forth on page 3 of the Office Action. Applicants respectfully submit that the claim rejections are obviated.

Claims 1-12 and 14-15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schwarz et al. (U.S. Patent No. 7,197,318). Claim 13 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schwarz in view of Kroner et al. (U.S. Patent Application Publication No. 2005/0090257).

**§ 103(a) Rejection (Schwarz) - Claims 1-12 and 14-15**

Claims 1-12 and 14-15 are rejected based on the reasons set forth on pages 4-9 of the current Office Action.

Schwarz is directed to a method and apparatus for controlling a connection transfer in a cellular network having at least two systems, such as a GSM system and a WCDMA system. Based on a load determination, a service-based inter-system or inter-frequency handover of a connection to another system or to another carrier of the same system is initiated if the determined is below a threshold and service priorities are indicating it. If it exceeds the threshold, an additional load-based inter-system or inter-frequency handover can be initiated. If the load of the target cell is not known, a load estimation based on a learning process can be used

to derive a probability of success of an interfrequency or inter-system handover, which may be used for deciding on the initiation of the inter-system handover. The learning process may be performed by evaluating preceding interfrequency or inter-system handovers to the target cell or preceding interfrequency or inter-system handovers from the target cell. Thereby, users can be shared between different radio access technologies or systems or between different carriers of one system to thereby improve network capacity and quality of service for both systems and carriers. Furthermore, unnecessary inter-system handovers can be prevented in case the load of the target cell of the other system is not known. *See Abstract of Schwarz.*

With respect to independent claim 1, which now incorporates the subject matter of previously pending claim 2, Applicants submit that Schwarz does not disclose or suggest at least, “wherein, if the radio terminal for which a call is to be set up is attached to the first subsystem and if taking account of the indication that has been determined denotes allocating at least a communications resource of the second subsystem to support the call, an indication is sent to the radio terminal so that it attaches itself to the second subsystem before allocation of the communications resource to the second subsystem,” as recited in claim 2. The Examiner cites col. 4, lines 36-41 and col. 5, lines 35-56 of Schwarz as allegedly satisfying the above emphasized feature. The cited portions of Schwarz teaches that the estimation of a probability of success of an inter-system handover can be determined based on the learning process. The learning process may comprise evaluating an incoming inter-system to handle a message from a target cell or service priority settings in a target cell. The learning process can determine that a particular cell has different loads, including a “high load” or a “not high load”. However, there is no teaching or suggestion that an indication is sent to a radio terminal about the occupancy of

communication resources so that the radio terminal attaches itself to a second subsystem before allocation of the communications resource to the second subsystem. The recitation of amended claim 1 recites a specific order of occurrences. There is no teaching or suggestion of this specific order anywhere in Schwarz according to our understanding.

At least based on the foregoing, Applicants submit that claim 1 is patentably distinguishable over Schwarz.

Applicants submit that dependent claims 3, 4, 6, 7, 9-12, 14, and 15 are patentable at least by virtue of their dependency from independent claim 1.

With respect to amended independent claim 5, Applicants submit that Schwarz does not disclose or suggest at least, “wherein calls between the radio terminals and the first subsystem or the second subsystem are carried out in packet mode or in circuit mode and a communications resource of the first or second subsystem is allocated to the call taking account of the indication that has been determined only if said call is to be carried out in packet mode,” as recited in claim 5. The Examiner cites col. 2, lines 33-41 of Schwarz as allegedly satisfying the above emphasized portion of claim 5. According to Applicants’ understanding of Schwarz, the cited portion thereof only discloses that if a mobile terminal wishes to establish a service which cannot be provided in a GSM system, it should be handed over to the wideband code division multiple access (WCDMA) system. Differently, claim 5 recites that particular actions only occur if a call is to be carried out in a packet mode. Schwarz does not disclose or suggest that a communications resource of a first or second subsystem is allocated to a call taking account of an indication that has been determined only if the call is to be carried out in a packet mode. In

Schwarz, a communication resource can be allocated if a call is to be carried out in a circuit mode, which directly contradicts the specific language of claim 5.

Since the features of claim 5 are not taught or suggested by Schwarz, Applicants submit that this claim is patentably distinguishable thereover.

With respect to amended independent claim 8, Applicants submit that Schwarz does not disclose or suggest at least, “wherein, if the radio terminal for which a call is to be set up is attached to the first subsystem, a communications resource of the second subsystem is also allocated to the call if the indication relating to the occupancy of the communications resources of the second subsystem reveals an occupancy below a second threshold value (Lc),” as recited in claim 8. The Examiner cites col. 3, lines 16-39 of Schwarz as allegedly satisfying the above quoted feature. However, claim 8 introduces a second threshold value that is used to determine how resources are allocated. In Schwarz, there is no teaching or suggestion of a second threshold value *vis-à-vis* claim 8.

§ 103(a) Rejection (Schwarz / Kroner) - Claim 13

Applicants submit that dependent claim 13 is patentable at least by virtue of its dependency from independent claim 1. Kroner does not make up for the deficiencies of Schwarz.

Conclusion

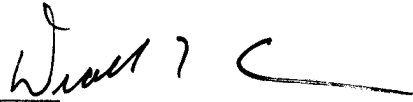
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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